

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOSEPH VALERIO,

Petitioner

Docket No. 14 CR 94

-v.-

SUPPLEMENTAL  
DECLARATION

United States of America,

Respondent.

-----X

Joseph Valerio, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury:

1. Since on or around mid-March 2020, due to the COVID-19 pandemic, I have been on some form of lockdown while incarcerated at USP Tucson;
2. Specifically, from around October of 2020, the inmates at USP Tucson have been under “shelter in place” restrictions with limited access to telephone calls, legal calls, commissary, or ability to have social or legal visits;
3. In January of 2021, I tested positive for COVID-19;
4. In addition to the above, I have suffered both mentally and physically as a result of the stress from the shelter in place lockdowns and contracting COVID-19, in addition to all of my mental and physical afflictions detailed in my initial declaration;
5. During this lockdown period, I have not been provided with outpatient medical services for my chronic care issues resulting from when I assaulted by inmates at USP Hazelton and FCI Hazelton (in two separate incidents) in 2017 (see Exhibit A), including severe throbbing pain from my lower spine down my legs, locking of my legs, pinched nerves and swelling of the lower extremities to the point of inflammation;

6. Prior to the COVID-19 lockdowns, medical staff at USP Tucson was in the process of scheduling an outpatient MRI and neurology appointment for my ongoing pain issues;
7. In addition, during this lockdown period, my PTSD is heightened and I have now been placed on a new medication for my hypothyroidism, Synthroid, due to elevated thyroid levels from recent blood work. based on elevated levels of thyroid activity;
8. Lastly, my mother is currently 78 years old and suffers greatly with severe arthritis; her condition will only worsen over time and she will need more assistance to take part in daily activities.

WHEREFORE, it is respectfully requested that the Court grant my petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 with such other and further relief this Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 4, 2021.

A handwritten signature in cursive script, reading "Joseph Valerio", written over a horizontal line.

Joseph Valerio

**EXHIBIT A to Joseph Valerio's Supplemental Declaration**



United States Department of Justice  
Federal Bureau of Prisons  
Federal Correctional Complex - Hazelton  
Post Office Box 450  
1640 Sky View Drive  
Bruceton Mills, West Virginia 26525  
(304) 379-5000

August 29, 2017

MEMORANDUM FOR:

(b)(6); (b)(7)(C);  
(b)(7)(F)

Operations Lieutenant

FROM:

(b)(6); (b)(7)(C); (b)(7)(F)

Cor Officer

SUBJECT:

Unwitnessed assault E-A housing unit.

On August 29, 2017 at approximately 8:40pm I responded to unwitnessed assault in E-A housing unit. Upon my arrival I witnessed inmate Valerio, Joseph #83257-053 lying on the floor covered in blood in the corridor. I immediately placed hand restraints on inmate Valerio, and notified health services. I then escorted inmate Valerio up the corridor until staff arrived with a wheel chair. Myself and health services staff then escorted inmate Valerio via wheel chair to health services trauma room to be medical assessed. While escorting inmate Valerio he stated " they got me in the cell they hit me with locks and boots".



United States Department of Justice  
Federal Bureau of Prisons  
Federal Correctional Complex - Hazelton  
Post Office Box 450  
1640 Sky View Drive  
Bruceton Mills, West Virginia 26525  
(304) 379-5000

August 29, 2017

MEMORANDUM FOR

(b)(6); (b)(7)(C);  
(b)(7)(F)

Operations Lieutenant

FROM:

(b)(6); (b)(7)(C); (b)(7)(F)

E-A Unit Officer

SUBJECT:

Unwitnessed Assault

On the above date, at approximately 8:40 p.m., I observed inmate Valerio, Joseph #83257-053 walking on the top tier (between cells 221-223) towards the stairs. Inmate Valerio's head and upper torso area appeared saturated in blood. At this time, I radioed compound to respond to an unwitnessed assault and gave the unit a direct order to lock in. Inmate Valerio walked down the stairs and was met by E-A #2 Unit Officer (b)(6); (b)(7)(C); (b)(7)(F) who escorted the inmate out of the unit into the corridor.



United States Department of Justice  
Federal Bureau of Prisons  
Federal Correctional Complex - Hazelton  
Post Office Box 450  
1640 Sky View Drive  
Bruceton Mills, West Virginia 26525  
(304) 379-5000

August 29, 2017

MEMORANDUM FOR [REDACTED] Operations Lieutenant

(b)(6); (b)(7)(C); (b)(7)(F)

FROM: [REDACTED] E-A Unit Officer #2

SUBJECT: Unwitnessed Assault

On the above date, I, Correctional Officer [REDACTED] was assigned as the E-A Housing Unit Officer #2 for the evening watch shift. At approximately 8:40PM while observing the unit before lock-in, I observed inmate Valerio, Joseph #83257-053, walking down the stairs. Inmate Valerio appeared to have blood all over his head and upper torso. I immediately approached inmate Valerio in the center of the unit and escorted him to the corridor. Inmate Valerio appeared to have a large gash on his head, approximately 3 inches in length in which most of the blood was coming from. While waiting on response, inmate Valerio stated to me that it was white inmates who attacked him while he was in his cell, and that he may be able to identify these inmates if he had pictures to go by. Inmate Valerio was escorted to health services, and the rest of the unit was locked down without further incident.